

**GUAM ANCESTRAL LANDS COMMISSION REGULAR MEETING MINUTES  
VIA ZOOM**

**November 17, 2021 • 2:04 p.m. to 5:23 p.m.**

**Notices were published in the *Pacific Daily News* on Wednesday, November 10, 2021  
and Monday, November 15, 2021**

**I. CALL TO ORDER**

The virtual, regular meeting of the Guam Ancestral Lands Commission was called to order at 2:04 p.m. In Compliance with Public Law 24-109, the Guam Ancestral Lands Commission announced the virtual meeting on Wednesday, November 10, 2021 and Monday, November 15, 2021 in the *Pacific Daily News*.

**II. ROLL CALL**

**Commission Members Present:**

Ronald F. Eclavea, Chairman  
Ronald T. Laguana, Vice Chairman  
Maria G. Cruz, Secretary/Treasurer  
Angela M. Camacho, Commissioner  
Jeffrey B. Rios, Commissioner

**Excused Absence:**

Anita F. Orlino, Commissioner  
Louisa F. Wessling, Commissioner

**Management and Staff Present:**

John T. Burch, Executive Director  
Catherine T. C. Blas, Administrative Officer  
Joey G. Leon Guerrero, Land Agent II  
Nicolas E. Toft, Legal Counsel, OAG  
Andy Mendiola, DOL Land Agent I Trainee  
Mara Perez, DOL Administrative Aide Trainee

**Also Present:**

Melanie Mendiola, CEO / Administrator, GEDA  
Mike Cruz, Project Manager, GEDA  
Carlos Camacho, VP for Northern Market  
Jennifer Calvo, General Counsel for Northern Market

**III. APPROVAL OF MINUTES**

**A. September 22, 2021 Regular Meeting – Summarization**

**Secretary/Treasurer Cruz** moved to approve the minutes.

**Commissioner Camacho** seconded the motion.

**Chairman Eclavea** called for a vote after which he said the motion passed.

#### IV. EXECUTIVE DIRECTOR'S REPORT

The following are updates for the Guam Ancestral Lands Commission.

##### **GALC – COAST360 Account Balances & Draft Resolution 2021-009:**

Two of the Commission's share accounts at Coast360 will be maturing on December 6, 2021 and another will be maturing on December 18, 2021. Because of low interest rates, I am recommending to **close after maturity and open new accounts for a period of three months with automatic rollover Account 0401, Account 0403 and Account 0408 from the *Land Bank Trust Fund in the Trust for Guam Ancestral Lands Commission* inclusive of the principal and all interest earned.** More specifically:

- a. After maturity, close Account 0401 from the Land Bank Trust Fund and deposit Five Hundred Fifty-One Thousand Six Hundred Forty-Five Dollars and Sixty-Nine Cents (\$551,645.69) plus all interest earned to "3 Month Jumbo Term Share" with automatic rollover; and**
- b. After maturity, close Account 0403 from the Land Bank Trust Fund and deposit Three Hundred Twenty- Five Thousand One Hundred Fifty-Four Dollars and Eleven Cents (\$325,154.11) plus all interest earned to "3 Month Jumbo Term Share" with automatic rollover; and**
- c. After maturity, close Account 0408 from the Land Bank Trust Fund and deposit Two Million Four Hundred Ninety Thousand Dollars and Zero Cents (\$2,490,000.00) plus all interest earned to "3 Month Jumbo Term Share" with automatic rollover.**

**Attachment A:** Draft Resolution No. 2021-009 - Action required

**Secretary/Treasurer Cruz** motioned to approve Draft Resolution No. 2021-009.

**Commissioner Camacho** seconded the motion.

**Chairman Eclavea** called for a vote after which he said the motion passed.

**Attachment B:** Account balances in the Coast360 Trust for Guam Ancestral Lands Commission

**Attachment C:** COAST360 Jumbo Term Share Rates

##### **GALC Draft Resolution 2021-010:**

The Chairman requested a resolution be prepared reaffirming the Guam Ancestral Lands Commission Board of Commissioners support for ancestral land owners or their heirs.

**Attachment D:** Draft Resolution No. 2021-010 – Action required

**Vice Chair Laguana** asked that Resolution 2021-010 include language that the Board be included in discussions involving future potential transfers.

**Commissioner Camacho** said that would probably require action from the U.S. Congress.



**Executive Director Burch** said item 2 at the end of the Resolution addressed the Vice Chair's concerns.

**Vice Chair Laguana** moved to approve the Resolution with the addition to the Mission Statement to include language that the Board play an active role in discussions involving future potential transfers.

**Legal Counsel Toft** recommended that the Vice Chair rephrase his motion as a motion to add to the Mission Statement, then state the addition and where it should go.

**Vice Chair Laguana** moved to add that, "Whereas the Commission be notified and participate in the return of lands when they are immediately identified."

**Commissioner Rios** seconded the motion.

**Chairman Eclavea** called for a roll call vote.

**Vice Chair Laguana** said, *âprueba*.

**Commissioner Rios** approved the motion.

**Commissioner Camacho** passed.

**Secretary/Treasurer Cruz** approved the motion.

**Chairman Eclavea** approved the motion.

**American Rescue Plan 2021 (ARP):**

At the direction of I Maga'Haga Guahan, the Guam Ancestral Lands Commission was awarded \$73,404 from the American Rescue Plan. These funds may only be used to respond to the negative economic impacts of the COVID-19 public health emergency and in accordance to the U.S. Treasury's Interim Final Rules.

We are now preparing a Budget Digest/Spending Plan for the use of these funds as required by BBMR before we can draw down on any of these funds.

**GALC FY 2021 Financial Audit:**

The Entrance Conference to start the GALC FY 2021 Financial Audit was held October 5, 2021 at 2:00 pm by the Office of Public Accountability. Deloitte & Touche LLP will be providing independent auditing services for FY2021. In July 25, 2019 Deloitte was selected to provide professional auditing services for GALC for fiscal year, 2019, 2020 and 2021 with an option to renew for one additional fiscal year subject to the availability of funds.

**Attachment E:** GALC FY 2021 Independent Financial Audit Chart

**Citizen Centric Report Compliance Rating:**

The Office of Public Accountability conducted an audit of Government of Guam entities' submission of fiscal year 2017, 2018, 2019 and 2020 Citizen Centric Reports. The OPA determined that GALC was partially compliant for FY 2017, 2018 and 2019. These reports were untimely submitted to the OPA and the Speaker of the Legislature. GALC was fully compliant for FY 2020.

**Attachment F:** OPA Citizen Centric Report Compliance Rating for GALC

**Oversight Virtual Hearing: Thursday, November 18, 2021, at 5:00 p.m.:**



GALC and DLM received an amended 1st notice of the oversight hearing scheduled for Thursday, November 18, 2021 at 5:00 pm. Our Oversight chair is requesting for:

"Status of the notification of ancestral landowners of federal properties designated as "transfer in progress" under the authority of U.S. Public Law 106-504, and properties listed as "anticipated to be transferred" between 2022 and 2026 pursuant to response letter from Secretary of the Navy Kenneth Braithwaite to Governor Lourdes Leon Guerrero dated July 2, 2020:

- Parcel C of Marbo Cave
- Tanguisson Beach Park
- Tanguisson Power Plant
- ACEORP Maui Tunnel
- USO Beach Park
- Piti Powerplant & Substation
- Agana Diesel Power Plant
- Lot 603-1 Apra Heights (also identified as Lot 402-1)

In addition, our Oversight Chair requested us to provide a status of notification of ancestral landowners of Andersen Barrigada Annex I & II, Lots A7a & A7b, located in Barrigada, Guam, to include the property known as "Eagles Field" and nearby lots in Barrigada." **End of report**

**Vice Chairman Laguana** asked about the list of properties that was designated to be released to GovGuam. He asked when that list was provided to the Board.

**Executive Director Burch** said July 2, 2020. He added that on January 15, 2021 changes were made to the list, but the Board only received this information a few weeks ago. He reminded the Board that GALC's Land Agent had been in quarantine for the past few weeks. He said the original list had 50 possible acres at Eagles Field to be returned, but that had been changed to potentially 102 acres. He said this was new information for GALC.

**Vice Chair Laguana** asked who amended the July 22, 2020 list.

**Executive Director Burch** said no one in GALC was involved. He said GALC receives these notices from the Department of Land Management. He said he would have to talk to the Governor's Office and possibly GEDA and DLM as well.

**Vice Chair Laguana** said he understood that former Congresswoman Bordallo had identified the lands intended to be returned to the original landowners. He expressed concern about the amended list of properties.

**Chairman Eclavea** asked if the Eagles Field property was to be leased, not returned.

**Executive Director Burch** said it's scheduled to be leased, but that there was more to it. He said Eagles Field falls under U.S. Public Law 106-504. He said for many years GALC had been able to transfer property to the original landowners, but the Transfer Authority for Eagles Field is U.S. PL 106-504 which doesn't allow this. He added that they could look into at least adding the Eagles Field original landowners into the Land Bank.

**Vice Chair Laguana** asked if there was a list of the original landowners of Eagles Field.

**Executive Director Burch** said, yes, and shared the list onscreen.

**Vice Chair Laguana** asked if GALC had contacted the heirs.

**Executive Director Burch** replied, no, but that some heirs had contacted GALC.

**Chairman Eclavea** asked if GALC could contact the heirs.

**Executive Director Burch** said they could try, but it would be better to place an ad in the paper.



## V. GEDA PROGRESS REPORT – Presented by Tony Arriola

The following is a progress report on GEDA's efforts to manage Land Bank Trust properties as required by Section I(i) of the MOU between GEDA and GALC Land Bank Trust:

### A. **Wettengel Junction — Northern Market, LLC (NM)**

1. NM VP, Carlos Camacho sent a written letter indicating that they are finalizing a ground lease with a major anchor tenant who will be leasing construction pad ready property soon and awaiting final review from tenant's legal counsel. In addition, NM prefers to not disclose the anchor tenant until the lease has been executed and is able to obtain their consent. (Attached letter for your reference).
2. NM requesting for extension of one (1) additional year of full rent deferral from present to Nov. 2022. Request was made via the attached letter.
3. Financial statements provided. (Attached letter for your reference).

**Chairman Eclavea** said it was good to see Carlos Camacho in the meeting.

**Carlos Camacho** thanked the Commission for their prayers during his absence.

**Secretary/Treasurer Cruz** asked Carlos Camacho whether he had an assistant who could take over during his absences.

**Carlos Camacho** said his partners had to give all their attention to their businesses which were negatively impacted by the pandemic. He then explained his reasons for requesting an extension of (1) additional year of full rent deferral. He also gave an update on Northern Market.

**General Counsel Calvo** gave more information on where they were at with the ground lease. She added the additional time would help them manage their resources and that they still have a vision for their project.

**Chairman Eclavea** asked GEDA for their input.

**CEO Melanie Mendiola** said that overall GEDA supported Carlos Camacho's request for deferment. She added that GEDA deferred to GALC's decision.

**Vice Chair Laguana** motioned to approve Carlos Camacho's request for deferment.

**Commissioner Rios** seconded the motion.

**Secretary/Treasurer Cruz** said she preferred a 6-month deferment.

**Commissioner Camacho** asked Carlos Camacho if he could do a quarterly report if granted a 1-year deferment.

**Carlos Camacho** said, yes.

**Vice Chair Laguana** amended his motion to include quarterly reports with a 1-year deferment.

**Commissioner Rios** seconded the amended motion.

**Chairman Eclavea** called for a vote after which he said the motion passed.

**Secretary/Treasurer Cruz** asked Carlos Camacho if he could get an assistant to report to the Board in his absence.

**Carlos Camacho** said, yes. He said he brought in their General Counsel Jennifer Calvo for that purpose.

### B. **Apra Harbor Parcel No. 1 (Commissary Junction) - \$3,949.63/Month**

1. KwikSpace — Tenant is current with its lease rents.

- C. Apra Harbor Reservation F-12 (Matson) - \$27,733.00/Month**
  - 1. Matson Navigation Company- Tenant is current with its lease rents.
- D. Lot Apra Harbor Reservation F-12-R2 (Trans Steel) - \$500/Month**
  - 1. Tenant remitted both payments each in the amount of \$600 on Sept. 30 and Nov. 1, 2021.
- E. AT&T, Tanguisson Cable Landing Station, Dededo (Lot 10192) - \$22,939.42/Month**
  - 1. Tenant is current with its lease rents.
- F. Tiyan Properties**
  - 1. Guam Environmental Protection Agency (GEPA) - \$8,000.00/Month
    - a. Tenant remitted ach payment on Oct. 4, 2021 in the amount of \$8,000.00 for coverage of one (1) month's rent.
  - 2. DPHSS (WIC) - \$8,400/Month
    - a. GEDA's accounting division is currently working with GALC to reconcile the account balance and in determining the beginning forward balance for invoicing purposes and monthly statements.
    - b. Tenant remitted ach payment on Nov. 9, 2021 in the amount of \$75,600 for monthly rent that covers a period of nine (9) months.
- G. Other Items**
  - 1. RFP 21-011 — For Lease and Development of Land Bank Trust Property: Lot Apra Harbor Reservations, F-12-1, portion of F-12-2, and F-12-3, Polaris Point Piti
    - a. RFP 21-011 was issued on Friday, Sept. 17, 2021, and the deadline of submission for proposals was on Monday, October 18, 2021. On November 08, 2021 an evaluation committee composed of representatives from GEDA and GALC met. Upon completion, GEDA recommends GALC Commissioners approve for GEDA to notify the vendor of the evaluation results and to proceed with lease negotiations.

**Commissioner Camacho** motioned to approve and to allow GEDA to negotiate with the single proposal at Polaris Point.

**Commissioner Rios** seconded the motion.

**Chairman Eclavea** called for a vote after which he said the motion passed.

- 2. RFP 21-012 — For Lease and Development of Land Bank Trust Property: Nimitz Hill Annex B-1. Parcel NIOB-2t Municipality of Asan
  - a. RFP was issued on Friday, Sept. 17, 2021. Ad was published in the PDN. No proposals were received in response to RFP 21-012 before the proposal due date on Monday, October 18, 2021.

Should you have any questions, please contact Tony Arriola at 647-4332. Si Yu'os Ma'ase' for your continued support in generating revenues for the beneficiaries of the Trust.

## **VI. OLD BUSINESS**

- A. GEDA MOU Update**  
**CEO Melanie Mendiola** shared the proposed MOU onscreen and explained its points.



**VII. NEW BUSINESS**

- A. Eagles Field Report by the Executive Director

**VIII. PUBLIC COMMENTS**

**IX. ANNOUNCEMENTS**

- A. The next 2 GALC Board Meetings are scheduled for December 1 & 15, 2021.

**X. ADJOURNMENT**

**Commissioner Camacho** motioned to adjourn.

**Chairman Eclavea** thanked everyone and adjourned the meeting at 5:23 p.m.

**Additional Remarks:** The summarization of the GALC Board Meeting Minutes has been approved by the board due to the shortage of GALC Staff. Please refer to the Office of Public Accountability (OPA) Website for the GALC Board Meeting Minutes Audio Recording for detailed information.

**APPROVED BY:**

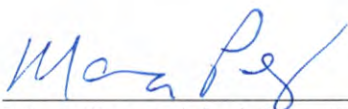
**DATE APPROVED:**



Ronald F. Eclavea, Chairman



**TRANSCRIBED BY:**



Mara Perez, Administrative Aide

**REVIEWED AND APPROVED BY:**



John T. Burch, Executive Director